



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,196	12/22/2000	Donald E. Weder	8403.303	4068

30589 7590 07/02/2003

DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73114

EXAMINER

GELLNER, JEFFREY L

ART UNIT	PAPER NUMBER
----------	--------------

3643

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/747,196

Applicant(s)

WEDER, DONALD E.

Examiner

Jeffrey L. Gellner

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC §103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32 and 33 are is rejected under 35 U.S.C. §103(a) as being unpatentable over Le Mitouard (FR 2651633 A1) in view of Benoist (US 3,657,840; document C on Examiner's 892, paper no. 5).

As to Claim 32, Le Mitouard discloses a floral grouping display assembly (Figs. 1 and 2) comprising a wall (9 of Fig. 2); a floral grouping (shown in Fig. 2) having a bloom end and a stem end; and a material (2 of Fig. 1), the material being releasably connected (through use of 7 and 8 of Figs. 1 and 2) to the wall to display the floral grouping on the wall so that substantially the entire length of the floral grouping is visibly displayed on the wall (Fig. 2). Not disclosed is the material a sheet of material with upper and lower surfaces, first and second sides, first and second ends, and floral grouping disposed on the upper surface of the sheet of material and the sheet of material rolled about the stem end of the floral grouping to provide a wrapper for the floral grouping with the bloom end of the floral grouping being exposed and one of the first and second sides of the sheet of material overlapping the lower surface of the sheet of material. Benoist, however, discloses a sheet of material (1 of Fig. 1) with upper and lower surfaces (shown in Fig. 1), first and second sides (shown in Fig. 1), first and second ends (shown in Fig.

Art Unit: 3643

1), and floral grouping disposed on the upper surface of the sheet of material (flowers of Fig. 1) and the sheet of material rolled about the stem end of the floral grouping (Fig. 2 and col. 1 lines 61-62) to provide a wrapper for the floral grouping with the bloom end of the floral grouping being exposed (shown in Fig. 2) and one of the first and second sides of the sheet of material overlapping the lower surface of the sheet of material (shown in Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Le Mitouard by using the wrapper of Benoist so as to control the hygrometric environment (see Benoist at col. 1 lines 10-13).

As to Claim 33, Le Mitouard discloses a floral grouping display assembly (Figs. 1 and 2) comprising a wall (9 of Fig. 2); a floral grouping (shown in Fig. 2) having a bloom end and a stem end; and a transparent material (2 of Fig. 1), the material being releasably connected (through use of 7 and 8 of Figs. 1 and 2) to the wall to display the floral grouping on the wall so that substantially the entire length of the floral grouping is visibly displayed on the wall (Fig. 2). Not disclosed is the transparent material a sheet of material rolled to define a container having an open upper end and an open lower end, the floral grouping disposed in the container with the bloom end of the floral grouping exposed. Benoist, however, discloses the transparent material a sheet of material (1 of Fig. 1) rolled to define a container (1 of Fig. 2; col. 1 lines 61-62) having an open upper and lower ends (1 of Fig. 2), the floral grouping disposed in the container with the bloom end of the floral grouping exposed (shown in Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Le Mitouard by using the wrapper of Benoist so as to control the hygrometric environment (see Benoist at col. 1 lines 10-13).

Response to Arguments

Applicant's arguments with respect to Claims 32 and 33 have been considered but are moot in view of the new ground(s) of rejection. Anticipating an argument as to the priority date of the instant Applicant, Examiner considers the priority date to extend no further than 9 January 1995 since this reference (US 5,537,800) and references (US 5,560,181 and US 5,732,823) do not disclose the instant, claimed invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stoor discloses in the prior art a wall for floral wraps.

Applicant's amendment, with language changes to the claims, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3643

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053. The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The fax phone numbers for the Technology Center where this application or proceeding is assigned are 703.305.7687, 703.305.3597, and 703.306.4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.



Jeffrey L. Gellner



PETER M. POON
SUPERVISOR : PAT EXAMINER
TECHNOLOGY CENTER 3600